

Ruth Bahe-Jachna

Leading a New Generation of Litigators

by Josh Weinhold

Whoever said, “Those who can’t do, teach,” never met Ruth A. Bahe-Jachna.

She certainly has the “do” covered, given her 25 years of experience as a lawyer who’s risen to become a **Greenberg Traurig, LLP** shareholder and co-chair of its class-action litigation group.

As for the teaching part, she wrote the book on it — or, rather, launched and developed an expansive firm-supported training program for associates.

“Practice is so important,” Bahe-Jachna says. “You can read books or watch videos or look at other people, but the confidence really comes from being able to do it yourself — whether that’s in an artificial setting or a real setting.”

It’s one thing for a lawyer to become a skilled litigator, defending telecommunications companies and other big corporations in class-action and products liability lawsuits. It’s another thing to be so committed to ensuring the next generation of attorneys is ready to hit the ground running, the moment they get the chance to try a case or take a deposition.

She’s not just a lawyer, her colleagues say. She’s a leader.

“She’s just one of those individuals who enjoys giving to others,” says Cesar L. Alvarez, the firm’s co-chairman, “not being selfish, but leaving a legacy of great quality work in the firm and being the one who really pushed that forward.”

Digging for Solutions

Born in Wisconsin, Bahe-Jachna moved around the Midwest with her Lutheran pastor father and homemaker mother. She spent time in Iowa, Minnesota and North Dakota before heading off to Wartburg College in Waverly, Iowa.

Looking to liven things up in her final year of undergraduate studies, she went to International Christian University in Tokyo, missing her college graduation because the school year there went until June. She stayed another year, teaching English and learning more about the country.

She returned home in 1981 and, unable to find a full-time job, moved back in with her parents while working part time at a nursing home. After a year, she took the

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federal civil service exam, landed a job with the Social Security Administration and moved to Chicago. Four years of pushing paper and processing benefits claims was enough, though, and she began thinking about other opportunities.

Law school had always been on her mind, so she applied to four schools, intent on going to Northwestern University School of Law. Her acceptance letter came with no financial aid offer, but her husband, a grocery store meat cutter, told her they would figure out how to make the money work. Thanks to him, she graduated in 1989 without debt.

“My dad was very much a perfectionist, so I got this detail-oriented aspect of my personality. From my mom, I got this humanistic sense, always seeing the good in people, being compassionate,” she says.

“I’ve been able to find both in the law — in terms of developing relationships with clients and looking at how people are affected by something, understanding that behind the business are people and individuals and livelihoods.”

While in school, she worked as a summer associate at Jenner & Block, the firm she joined after earning her law degree. That first summer, she worked in the corporate real estate practice group, where she learned an important lesson that still sticks with her.

A partner had tasked her with finding a way for a client to avoid putting Americans with Disabilities Act-compliant access to a mezzanine level in a large public building in Chicago. Bahe-Jachna researched and researched and researched. No solution.

Disappointed, the partner made her tell the client about the results of her work. When she came back to Jenner full time, the partner said he later had a full associate research the same issue. Same result.

“His point to me was that your job as a lawyer is not to tell your client no, it’s to find a way for the client to legally do what the client wants to do,” she says. “Which was a good lesson, but there are some times when you have to tell the client no.”

That commitment to finding a solution wasn’t a one-time-only deal, though. It’s something that’s carried forward throughout her career. Given the high-stakes nature of many of her cases, Bahe-Jachna says she’s always determined to hunt and search as long as it takes to find the answer that will help her clients — without unnecessarily running up a bill, of course.

“You can’t give up too soon. You never know what you might find,” she says. “The tension is being cost-efficient versus trying

to find that one piece of evidence that can make all the difference in a case. If you stop looking, you might miss it.”

Handling Company Crises

After experimenting with securities litigation, Bahe-Jachna eventually dove deep into class action, consumer fraud and products liability work. She found it to be an intellectually stimulating field, with clients in need of legal representation as they continually came up with innovative products and services.

Her time in Japan and her ability to speak another language paid off immediately, as she was selected for a team representing Hitachi. The company was sued by Motorola in 1989 for patent infringement — the first such case against a Japanese company in the United States.

She left for Foley & Lardner LLP in 1996, then joined Greenberg Traurig in 2000. At the time, the firm had just opened its Chicago office. It had fewer than 10 lawyers. Today it has more than 145 attorneys.

“You look at certain people and say ‘Gee, you know, that was a great hire.’ I feel that way about Ruth,” says co-managing shareholder Paul Fox, who opened Greenberg Traurig’s Chicago office in 1999 with Keith J. Shapiro.

“It was a lucky day when we found her, and she has been a great help to us in developing the office and a great help to the firm.”

Over the past eight to 10 years, Bahe-Jachna has developed more of a focus on products liability and Consumer Products Safety Commission recall counseling, situations that have made her adept at helping companies through moments of crisis.

When clients hit their panic button, the call goes right to Bahe-Jachna. Perhaps it’s a CEO, CFO, COO, general counsel and marketing person huddled in a room. They’re telling her what happened with a product, wondering what they should do next. She calms them down and then takes them through the questions that need to be answered and the details that need to be gathered.

Has someone reported the problem to a regulatory body already? Do we need to report the problem? Did you manufacture the product or did a third party handle it? How do we deal with publicity? Do we need a crisis communications team? What other resources do we need to pull in? What’s the insurance situation? Do we need a recall?

In some cases, clients have told her that a massive recall would put the company into bankruptcy. Time to find a Plan B. For others, they roll out a recall plan and move ahead.

Either way, Bahe-Jachna is guiding them

through the process, helping company officials keep their heads above water.

“It’s a very rewarding thing to be able to hold the client’s hand in a time of crisis with them, walk with them, get them to a place where they can put it behind them and go on with business as usual,” she says. “It’s very intense but very compressed. When you can do that for them, it’s very challenging — but very rewarding.”

Bob Gittlin has been through that process with Bahe-Jachna. His company, JKG Group in Boca Raton, Fla., ran into an issue with a product they were importing and with government regulations that changed literally overnight. Enter Bahe-Jachna. Disaster averted.

“Because of Ruth, something that could have been devastating was significantly less impactful,” Gittlin says. “She’s somebody that you just let go with confidence. That’s the most important thing you can have.”

Cell Phones, Electronic Devices

Bahe-Jachna also has significant experience representing telecommunications clients in major class action cases. Working with Donald Verrilli Jr., then a Jenner partner and now the U.S. solicitor general, she successfully defended the industry trade group known as CTIA-The Wireless Association over the course of a decade in various lawsuits filed in Chicago claiming cellular phones were causing tumors in plaintiffs.

She also represented the group when it was pulled into litigation against several major cell phone service providers, winning dismissal of claims regarding the companies’ billing practices.

Throughout that demanding litigation, Bahe-Jachna was a brilliant strategist, says Michael D. McNeely, a Washington, D.C., sole practitioner who has worked with her since 2011.

“We had a lot of challenges in that case, and she just had a very sure-handed strategic sense about how to deal with things,” he says. “That’s the way Ruth is. She thinks things through, she sees the pitfalls that are present in any situation in litigation, and she solves them.”

Despite the amount of litigation she handles that deals with technology, Bahe-Jachna hasn’t let electronic devices become a substitute for face-to-face communication. Close, in-person contact with her clients, she says, is absolutely essential to forming and growing relationships.

“Email and phones are not a replacement for sitting across the table, looking someone in the eye, shaking their hand,

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having dinner and having a drink,” she says. “It’s the trust factor, so that when you have those times of crisis, you know the person you’re putting this in the hands of.”

Creating a Culture-BUILDER

Bahe-Jachna’s signature effort at Greenberg Traurig began in 2002, when the firm’s litigation group grew concerned that associates were coming up for shareholder consideration but didn’t have first- or second-chair trial experience.

After a brainstorming and research process, Bahe-Jachna emerged as the person leading the charge to establish what is now called the Greenberg Traurig Litigation Skills Academy. What started as a single program has now expanded to seven different training courses annually.

Each four-day session takes place in Houston and involves an actual trial in an actual courtroom. Everything is real, except for the clients: Retired judges preside, local residents serve as jurors, actors portray witnesses.

Senior associates give opening and closing arguments and lead direct and cross-examinations. When the trial concludes, video cameras in the jury deliberation room let the lawyers watch the discussion about their case.

The sessions proved so popular that younger associates started asking about opportunities to develop their own skills, which led to the formation of a deposition training seminar.

While the program is now a strong recruitment and development tool for the firm, when Bahe-Jachna first pitched the idea, Alvarez, the firm’s Miami-based then-CEO, admits he was a “tough sell.”

But she kept pushing the idea. And kept pushing. Finally, he signed off on it.

“I’m glad she didn’t leave me alone. I’m glad she was persistent,” he says. “I was making a business decision, and it helps when people are really good advocates for their position, when they’re selling you on the idea, when they’re really passionate about it. Ruth did all of that.”

Bahe-Jachna developed the program — including writing full sets of case files and other training documents — with Sanford Brook, a retired Indiana trial and appellate judge now with Judicial Arbiters Group Inc. in Denver.

“Anyone you would talk to would say she’s an organizational genius,” says Brook, adding that Bahe-Jachna has “wonderful judgment” when determining how best to teach a skill or concept. She draws upon her own experience to find ways to develop younger lawyers.

Bahe-Jachna also showed a remarkable

ability to identify the attorneys within her firm who would make the best teachers, collecting a group of outstanding faculty that staff the training sessions.

“I look at people who have talent in different areas, certainly ones I don’t have, and I think, ‘Man, they must have been born with that,’” Brook says.

In addition to the legal acumen they develop, the associates also get the chance to work with fellow young lawyers from the firm’s offices across the country. The same goes for those who volunteer to teach. The result is a closer, tighter-knit group of attorneys, no matter where they practice.

“The associates get to meet a lot of their peers in circumstances in which they wouldn’t usually interact. Shareholders from other offices get to interact,” Fox says. “Not only does it give great training opportunities, but on several different levels, it is a great culture-builder.”

The academy may be the legacy Bahe-Jachna leaves at her firm, but she’s not planning on leaving anytime soon.

“I always told myself that the day I wake up and I’m not excited to go to work is the day I need to find something else to do or retire,” she says. “That day hasn’t come yet. It’s a privilege to get to do what we do.” ■